

PTO/SB/30 (08-03)

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**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/437,171
Filing Date	November 9, 1999
First Named Inventor	John M. Krajausk
Art Unit	1713
Examiner Name	M. Reddick
Attorney Docket Number	5661

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/Declaration(s) iv. ☐ Other \_\_\_\_\_
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 19-2025
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print / Type) Arthi K. Tiley

Registration No. (Attorney / Agent) 50,960

Signature *Arthi K. Tiley*

Date June 22, 2004

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print / Type)

Signature

Date

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**Instruction Sheet for RCEs**

(not to be submitted to the USPTO)

**NOTES:**

An RCE is not a new application, and filing an RCE will not result in an application being accorded a new filing date.

**Filing Qualifications:**

The application must be a utility or plant application filed on or after June 8, 1995. The application cannot be a provisional application, a utility or plant application filed before June 8, 1995, a design application, or a patent under reexamination. See 37 CFR 1.114(e).

**Filing Requirements:**

***Prosecution in the application must be closed.*** Prosecution is closed if the application is under appeal, or the last Office action is a final action, a notice of allowance, or an action that otherwise closes prosecution in the application (e.g., an Office action under *Ex parte Quayle*). See 37 CFR 1.114(b).

***A submission and a fee are required at the time the RCE is filed.*** If reply to an Office action under 35 U.S.C. 132 is outstanding (e.g., the application is under final rejection), the submission must meet the reply requirements of 37 CFR 1.111. If there is no outstanding Office action, the submission can be an information disclosure statement, an amendment, new arguments, or new evidence. See 37 CFR 1.114(c). The submission may be a previously filed amendment (e.g., an amendment after final rejection).

**WARNINGS:****Request for Suspension of Action:**

All RCE filing requirements must be met before suspension of action is granted. A request for a suspension of action under 37 CFR 1.103(c) does not satisfy the submission requirement and does not permit the filing of the required submission to be suspended.

**Improper RCE will NOT toll Any Time Period:**

***Before Appeal*** - If the RCE is improper (e.g., prosecution in the application is not closed or the submission or fee has not been filed) and the application is not under appeal, the time period set forth in the last Office action will continue to run and the application will be abandoned after the statutory time period has expired if a reply to the Office action is not timely filed. No additional time will be given to correct the improper RCE.

***Under Appeal*** - If the RCE is improper (e.g., the submission or the fee has not been filed) and the application is under appeal, the improper RCE is effective to withdraw the appeal. Withdrawal of the appeal results in the allowance or abandonment of the application depending on the status of the claims. If there are no allowed claims, the application is abandoned. If there is at least one allowed claim, the application will be passed to issue on the allowed claim(s). See MPEP 1215.01.

**See MPEP 706.07(h) for further information on the RCE practice.**

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b>			Docket No. 5661
Applicant(s): John M. Krajnik, et al.			
Serial No. 09/437,171	Filing Date 11/09/1999	Examiner M. Reddick	Group Art Unit 1713
Invention: <b>WATERBORNE COATING HAVING IMPROVED CHEMICAL RESISTANCE</b>			
I hereby certify that the following correspondence: <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"><b>an Amendment "E" and Response to Office Action, along with a Request for Continued Examination (RCE) Transmittal, an Amendment Transmittal Letter, and a Petition For Extension Of Time Under 37 CFR 1.136(a), (in duplicate)</b></div> <p style="text-align: center;"><i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on</p> <p style="text-align: center;"><u>June 22, 2004</u> <i>(Date)</i></p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"><div style="text-align: center;"><p><b>EV092005103US</b></p><p><i>(Typed or Printed Name of Person Mailing Correspondence)</i></p><p><i>Laurie M. Feltes</i> <i>(Signature of Person Mailing Correspondence)</i></p><p><b>EV 092005103 US</b> <i>("Express Mail" Mailing Label Number)</i></p></div></div>			
Note: Each paper must have its own certificate of mailing.			

FAX

THE SHERWIN-WILLIAMS COMPANY  
LEGAL DEPARTMENT  
101 PROSPECT AVENUE, NW  
CLEVELAND, OHIO 44115  
FAX: (216) 515-4400

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TO: U.S. Patent and Trademark Office  
Examiner J. M. Reddick

FAX#: (571) 273-1110

DATE: June 28, 2004

FROM: Laurie M. Feltes, Legal Assistant  
for Arthi K. Tirey, Reg. No. 50,960

PHONE: (216) 566-1681 / (216) 566-3650

Number of pages including this cover page: 19

Message: Dear Examiner Reddick,

Regarding your phone conversation with Debbie Pankiw this morning, please find a copy of the Certificate of Mailing by "Express Mail" (37 CFR 1.10), Request for Continued Examination (RCE) Transmittal, Amendment Transmittal Letter, a Petition For Extension Of Time Under 37 CFR 1.136(a), and Amendment "E" and Response To Office Action, which was filed on June 22, 2004 for U.S. Serial No. 09/437,171 (John M. Krajnik, et al.), our docket no. 5661.

*Laurie M. Feltes*  
Laurie M. Feltes